

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Art Unit : 1621  
Examiner : Paul A. Zucker  
Applicant(s) : Jean-Louis Henri Dasseux et al.  
Serial Number : 10/743,109  
Filed : December 23, 2003  
Confirmation No. : 8014  
Customer No. : 25533  
For : DIHYDROXYL COMPOUNDS AND COMPOSITIONS  
FOR CHOLESTEROL MANAGEMENT AND RELATED  
USES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Correct Errors in Small Entity Status Under 37 CFR 1.28**

Dear Sirs:

This paper is submitted to correct errors in small entity status for the above-identified patent application. The application was filed properly as a small entity, but Applicants' status has changed to a large entity.

Applicants filed an amendment on November 2, 2006, which contained extra claims. Applicants were charged \$100 (four excess claims at \$25 each as a small entity), instead of \$200 (four excess claims at \$50 each as a large entity), leaving a deficiency of \$100. A copy of the Fee Determination Record is attached.

Applicants inadvertently and without deceptive intent erroneously paid the issue fee at the small entity level. The amount of the deficiency due is \$700. Attached is a copy of the issue fee transmittal page.

The amount of the total deficiencies due is \$800.00 and authorization is hereby given to charge this deficiency to our Deposit Account No. 16-1445. Authorization is

also given to charge any additional fees or credit any overpayment to Deposit Account  
No. 16-1445.

Respectfully submitted,

Dated: NOVEMBER 28, 2007

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# PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875 Effective December 8, 2004

Application or Docket Number  
 10248187

## APPLICATION AS FILED - PART I

(Column 1)		(Column 2)
FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A
SEARCH FEE (37 CFR 1.16(h), (i), or (m))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(a), (a), or (a))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(h))	minus 20 =	-
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	-
APPLICATION SIZE FEE (37 CFR 1.16(i))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))		

SMALL ENTITY	
RATE (\$)	FEE (\$)
N/A	150.00
N/A	\$250
N/A	\$100
X\$ 25	
X100	
+180=	
TOTAL	

OTHER THAN SMALL ENTITY	
RATE (\$)	FEE (\$)
N/A	300.00
N/A	\$500
N/A	\$200
X\$50	
X200	
+360=	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2.

## APPLICATION AS AMENDED - PART II

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT (Column 1)	HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)
Total (37 CFR 1.16(i))	204	200	4
Application Size Fee (37 CFR 1.16(s))	?	?	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			

SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)
X100	100
+180=	
TOTAL ADD'L FEE	100

OTHER THAN SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)
X200	
+360=	
TOTAL ADD'L FEE	

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT (Column 1)	HIGHEST NUMBER PREVIOUSLY PAID FOR (Column 2)	PRESENT EXTRA (Column 3)
Total (37 CFR 1.16(i))			
Independent (37 CFR 1.16(j))			
Application Size Fee (37 CFR 1.16(s))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			

SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)
X\$ 25	
X100	
+180=	
TOTAL ADD'L FEE	

OTHER THAN SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)
X\$50	
X200	
+360=	
TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or **FAX (571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

28880 7590 08/02/2007  
**WARNER-LAMBERT COMPANY**  
**2800 PLYMOUTH RD**  
**ANN ARBOR, MI 48105**

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Cindy Malocha (Depositor's name)  
 Cindy Malocha (Signature)  
 10-31-07 (Date)

10/31/2007 FHTEK12 00000098 161445 10743109

01 FC:2501 720.00 DA  
 02 FC:1504 300.00 DA

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10743,109	12/23/2003	Jean-Louis Henri Dastoux	10173-106-999	8014

TITLE OF INVENTION: DIHYDROXYL COMPOUNDS AND COMPOSITIONS FOR CHOLESTEROL MANAGEMENT AND RELATED USES

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700.	\$300	\$0	\$1000	11/02/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
ZUCKER, PAUL A	1621	562-378900

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Michael J. Bruner

2 Charles W. Ashbrook

3 John H. Engelmann

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Esperion Therapeutics, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Ann Arbor, Michigan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account Number 16-1445 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

John H. Engelmann

Date

OCTOBER 31, 2007

Typed or printed name

John H. Engelmann

Registration No.

28,075

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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